

FILED  
DEC 27 2011  
CLERK, U.S. DISTRICT COURT  
RICHMOND, VA

Civil No. 3:11 cv 856

petition signature collection requirements in connection with Plaintiff's candidacy, Defendants have violated the rights of Plaintiff to engage in protected speech and association activities under the United States Constitution.

3. Because Plaintiff seeks access to the March 6, 2012 Republican Party primary ballot, the deadline for printing those ballots is quickly approaching, and because Plaintiff has no adequate remedy at law, this Complaint seeks declaratory and injunctive relief in the form of preliminary and permanent injunctions.

### **Jurisdiction and Venue**

4. This Court has jurisdiction over Plaintiff's claims arising under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution. 28 U.S.C. § 1331, 1343(a).

5. Venue is proper in this district, and in the Richmond Division, because Defendants are residents of or have their official offices in the Eastern District of Virginia, in the City of Richmond. 28 U.S.C. § 1391(b)(1); E.D. Va. R. 3(C).

### **Parties**

6. Plaintiff Rick Perry is a resident and Governor of the State of Texas. Governor Perry satisfies all the requirements of Article II, Section 1, clause 5 of the United States Constitution and is otherwise eligible and qualified to serve as President of the United States.

7. As officers and members of the Virginia State Board of Elections (State Board), Defendants Charles Judd (Chairman), Kimberly Bowers (Vice-Chair), and Don Palmer (Secretary) are responsible for creating the form for and receiving petition signatures for primary ballot access for a candidate for President of the United States. VA. CODE ANN. § 24.2-545 B. The Board has authority to make rules and regulations, issue instructions, and provide

information consistent with the election laws to the county and city electoral boards and registrars to promote the proper administration of election laws. VA. CODE ANN. § 24.2-103.

8. As Chairman of the Republican Party of Virginia (the "Party"), Defendant Pat Mullins, in his official capacity Chairman of the Party, is responsible for certifying to the State Board all candidates who meet the statutory petition signature scheme. VA. CODE ANN. § 24.2-545 B. The State Party is one of only two parties recognized in Virginia as a political party. Va. Code Ann. § 24.2-101.

### **Statutory Scheme**

9. In Virginia, a candidate seeking the nomination of a national political party for the Office of President of the United States must complete a Consent/Declaration Form. VA. CODE ANN. § 24.2-545 B. *See* Exhibit A.

10. The candidate must then file petitions with the Board signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. VA. CODE ANN. § 24.2-545 B. *See* Exhibit B.

11. Based upon the official form prescribed by the Board, the petition signatures must be from registered voters, and collected after July 1, 2011 by a registered voter or someone eligible to vote in Virginia who signs and in the petition in the presence of a notary. *See* Exhibit C.

12. The petitions must be filed by the primary filing deadline. VA. CODE ANN. § 24.2-545 B. That deadline was Thursday, December 22, 2011 in this case. VA. CODE ANN. § 24.2-544 B.

12. The State Board then turns the petitions over to the State Party. VA. CODE ANN. § 24.2-544 B.

13. By the statutory deadline, the State Party then certifies to the State Board the candidates who are qualified to appear on the presidential primary ballot. Va. Code Ann. §§ 24.2.-527 and 24.2-544 B. The deadline in this case was Tuesday, December 27, 2011 by 5:00 PM.

14. Finally, the State Board conducts a drawing of candidate names for placement on the presidential primary ballot. VA. CODE ANN. § 24.2-545 C.

### **Facts**

15. Plaintiff declared himself a candidate for the Office of President of the United States on August 13, 2011.

16. On August 15, 2011, Plaintiff filed his Statement of Candidacy with the Federal Elections Commission. *See* Exhibit D.

17. On October 31, 2011, Plaintiff signed and affirmed, in the presence of a notary, his Declaration of Candidacy for the Commonwealth of Virginia. *See* Exhibit E.

18. On December 22, 2011, Plaintiff submitted to the Board over 6,000 petition signatures from qualified Virginia voters.

19. On December 23, 2011, Defendant Mullins made a preliminary determination and publically announced that Plaintiff had not submitted enough petition signatures and would not be certified for placement of his name on the presidential primary ballot. *See* Exhibit F.

20. Virginia's requirement for petition circulators to be either eligible or registered qualified voters in the state imposes a severe burden on Plaintiffs' freedoms of speech and association because it substantially limits the number of eligible petition circulators.

21. Virginia's requirement for petition circulators to be either eligible or registered qualified voters in the state is a severe burden on Plaintiff's freedoms of speech and association because it prohibits an otherwise qualified candidate for the Office of President of the United States from circulating his own candidate petitions.

22. Virginia's requirement for petition circulators to be either eligible or registered qualified voters in the state prohibited Plaintiff from recruiting petition circulators who live outside the Commonwealth of Virginia to circulate petitions on his behalf.

23. Plaintiffs have no adequate remedy at law.

### **Count 1**

24. Plaintiffs re-allege and incorporate by reference all of the allegations contained in all of the preceding paragraphs.

25. In *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182 (1999) ("*ACLF*"), the Supreme Court held that a Colorado law requiring all petition circulators to be registered Colorado voters violated the First Amendment to the United States Constitution.<sup>1</sup> The Court held that the restriction imposed severe burdens on core political speech, *id.* at 192, was subject to strict scrutiny, *id.* at 192 n.12, and that the state's interests were not sufficient to justify the burdens, *id.* at 192.

26. Applying the *ACLF* standard, numerous courts have ruled that state- or district-residency requirements violate the First Amendment. See *Yes on Term Limits, Inc. v. Savage*, 550 F.3d 1023 (10th Cir. 2008) (state-residency requirement); *Nader v. Brewer*, 531 F.3d 1028 (9th Cir. 2008) (same); *Nader v. Blackwell*, 545 F.3d 459 (6th Cir. 2008) (same); *Chandler v.*

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<sup>1</sup> The American Constitutional Law Foundation did not challenge Colorado's residency requirement because the registration requirement also required a circulator to reside in Colorado. *ACLF*, 525 U.S. at 189 n.3. Virginia's requirement is more restrictive than the Colorado provision. In Virginia, not only must the circulator be a qualified voter (i.e., a Virginia resident), but he must also be eligible to vote for the candidate for whom he is circulating the petition.

*City of Arvada*, 292 F.3d 1236 (10th Cir. 2002) (city-residency requirement); *Lerman v. Bd. of Elections in the City of New York*, 232 F.3d 135 (2d Cir. 2000) (district-residency requirement); *Krislov v. Rednour*, 226 F.3d 851 (7th Cir. 2000) (state- and district-residency requirements); *Bogaert v. Land*, 572 F. Supp. 883 (W.D. Mich. 2008) (district-residency requirement); *Frami v. Ponto*, 255 F. Supp. 2d 962 (W.D. Wis. 2003) (same); *Morrill v. Weaver*, 224 F. Supp. 2d 882 (E.D. Penn. 2002) (same).

27. VIRGINIA CODE § 24.2-545 B's requirement for petition circulators to be either eligible or registered qualified voters in the state violates freedoms of speech and association protected by the First and Fourteenth Amendments to the United States Constitution.

28. Virginia's unconstitutional requirement for petition circulators to be either eligible or registered qualified voters in the state prohibited Plaintiff from recruiting other petition circulators and obtaining the necessary petition signature for ballot access.

### **Count 2**

29. Plaintiffs re-allege and incorporate by reference all of the allegations contained in paragraphs. 1 through 24 above.

30. Virginia's requirement that a presidential primary candidate collect signatures from 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are signed and filed violates freedoms of speech and association protected by the First and Fourteenth Amendments to the United States Constitution.

### **Prayer for Relief**

Wherefore, Plaintiff prays for the following relief:

1. Declaratory judgment that the requirement for petition circulators to be either eligible or registered qualified voters in the state provision contained in Virginia Code section 24.2-545 B is unconstitutional, as applied to Plaintiffs and facially.

2. Preliminary and permanent injunctions enjoining Defendants, and all successors in office, from enforcing the requirement for petition circulators to be either eligible or registered qualified voters in the state.

3. Preliminary and permanent mandatory injunctions compelling Defendant's to certify Plaintiff as a candidate for the Republican Party presidential primary ballot.

4. Reasonable costs and attorneys' fees, incurred as a consequence of Plaintiffs' efforts to safeguard their constitutionally protected rights, pursuant to 28 U.S.C. § 1988 and any other statute or authority.

5. Any other relief this Court in its discretion deems just and appropriate.

Date: December 27, 2011

Respectfully submitted,

**SPOTTS FAIN PC**



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**BEIRNE, MAYNARD & PARSONS, L.L.P.**

Joseph M. Nixon (Pro hac vice to be filed)

James E. ("Trey") Trainor, III (Pro hac vice to be filed)

Martin D. Beirne (Pro hac vice to be filed)

1300 Post Oak Boulevard, Suite 2500

Houston, TX 77056

Telephone: (713) 623-0887

Facsimile: (713) 960-1527

**ATTORNEYS FOR PLAINTIFF**

**THE HONORABLE RICK PERRY**

# PRESIDENTIAL PRIMARY

## Tuesday, March 6, 2012

THIS DOCUMENT MUST BE SIGNED AND ACKNOWLEDGED BELOW BEFORE A NOTARY OR OTHER OFFICER AUTHORIZED TO TAKE ACKNOWLEDGMENTS. BOTH IT AND THE PETITIONS MUST BE RECEIVED BY THE STATE BOARD OF ELECTIONS NO LATER THAN 5:00 P.M. ON THURSDAY DECEMBER 22, 2011.

### A. CONSENT OF PRESIDENTIAL CANDIDATE

The group listed below has been organized in Virginia to circulate petitions on my behalf and with my consent.

NAME OF ORGANIZED GROUP	MAILING ADDRESS OF CHAIR
NAME OF CHAIR	CITY/STATE/ZIP

\_\_\_\_\_  
SIGNATURE OF PRESIDENTIAL CANDIDATE

### B. DECLARATION OF CANDIDACY

I, \_\_\_\_\_  
                     FIRST NAME                      MIDDLE OR MAIDEN NAME                      LAST NAME                      SUFFIX, IF ONE

RESIDENT ADDRESS

CITY/STATE/ZIP

hereby declare myself to be a candidate for the office of President of the United States in the Presidential Primary election of the political party indicated below to be held on Tuesday, March 6, 2012: (CHECK ONE SQUARE)      ☐ Democratic      ☐ Republican

I understand and agree that my name will appear on the presidential general election ballot only if I am nominated by the political party in whose presidential primary I am participating.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
SIGNATURE OF CANDIDATE

\_\_\_\_\_  
\*PRINT YOUR NAME AS IT IS TO APPEAR ON THE BALLOT

\_\_\_\_\_  
MAILING ADDRESS

CITY/TOWN

STATE

ZIP

\_\_\_\_\_  
(AREA CODE) HEADQUARTERS TELEPHONE

\_\_\_\_\_  
E-MAIL ADDRESS:

\_\_\_\_\_  
WEB ADDRESS:

State of \_\_\_\_\_

\_\_\_\_\_  
ENTER COUNTY, CITY, TOWNSHIP OR BOROUGH

\_\_\_\_\_, personally appeared before me  
                     PRINT NAME OF PRESIDENTIAL CANDIDATE

on this \_\_\_\_\_ day of \_\_\_\_\_, 2011, signed the foregoing instrument and having been duly sworn by me, affirmed that the statements made herein are true.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF NOTARY OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS

\* NAME ON BALLOT MUST NOT EXCEED 25 SPACES AND MAY NOT INCLUDE ANY TITLES.





# Deadlines, Duties and Ballot Access Requirements

## Presidential Primary Election Tuesday, March 6, 2012

ADOPTED BY THE STATE BOARD OF ELECTIONS ON MAY 25, 2011

The Democratic Party of Virginia and the Republican Party of Virginia are the only organizations currently recognized as political parties under § 24.2-101 of the Code of Virginia. Therefore, they are the only political parties permitted to select a Presidential Primary in connection with the respective national conventions in the summer of 2012.

The deadlines provided below apply **ONLY** to those political parties and candidates who wish to participate in either party's presidential primary.

DEADLINE	ACTION REQUIRED
Friday, July 1, 2011 § 24.2-544 B	First day on which presidential primary petitions may be circulated. See <b>Ballot Access Requirements</b> in this bulletin for details.
Wednesday, December 7, 2011 by 5:00 PM § 24.2-545 A	<p>For the State Chairs of the Democratic Party and the Republican Party of Virginia to notify the State Board of Elections of the decision to hold a presidential primary.</p> <p>For the aforementioned State Chairs to notify the State Board of Elections if the primary or some other method will be used to select delegates and alternate delegates to the National Conventions.</p> <p>For the aforementioned State Chairs to certify the party's requirements for voter participation in the presidential primary to the State Board of Elections for its review and approval.</p>
Thursday, December 22, 2011 by 5:00 PM § 24.2-544 B	Deadline for presidential primary petitions and the combined Consent/Declaration of Candidacy to be filed with the State Board of Elections. The petitions must be delivered in sealed containers to which is attached a sworn statement and, if applicable, a list of delegates and alternate delegates. See <b>Ballot Access Requirements</b> in this bulletin for details.
Tuesday, December 27, 2011 by 5:00 PM § 24.2-527	Deadline for State Chairs to certify names of candidates deemed qualified to appear on the presidential primary ballot.
Wednesday, December 28, 2011 Time and Place to be determined § 24.2-545 C	State Board of Elections conducts drawing for placement of candidate names on the presidential primary ballot.

EXHIBIT

B

<b>DEADLINE</b>	<b>ACTION REQUIRED</b>
Monday, February 13, 2012 § 24.2-414	Last day on which a person may apply for voter registration for the presidential primary. All registration books close on this day. See <b>Who May Vote</b> in this bulletin for details.
Tuesday, February 28, 2012 § 24.2-701 B 2	Deadline for receipt of absentee ballot application sent by mail, FAX or e-mail to be received by the General Registrar of the voter's county or city of residence. See State Board of Elections website for details: <a href="http://www.sbe.virginia.gov">http://www.sbe.virginia.gov</a>
Saturday, March 3, 2012 § 24.2-701 B 1	5:00 PM - Deadline for voter to apply and vote absentee in-person in the office of the General Registrar of his county or city of residence.
Tuesday, March 6, 2012 §§ 24.2-515 and 24.2-544	<b>PRESIDENTIAL PRIMARY ELECTION DAY</b>
Tuesday, March 20, 2012 § 24.2-534	<p>State Board of Elections meets to ascertain results of the presidential primary election.</p> <p>State Board of Elections certifies results to the State Chair of each political party holding a presidential primary.</p> <p>Candidates must contact the State Party for its method of delegate and alternate delegate allocation.</p>

## Ballot Access Requirements

Candidates wishing to participate in the **presidential primary** must follow the procedures outlined below.

<b>Primary Filing Fee</b> § 24.2-524	<b>NO</b> filing fee is required for the presidential primary.
<b>Consent/Declaration</b> § 24.2-545 B	<p>This is a combined form.</p> <p><b>Consent - Part A</b> must be completed by the candidate if petitions are circulated and filed by a separate group organized in Virginia on behalf of the person seeking the nomination of the national political party.</p> <p>If the group is organized by the candidate <b>Part A</b> is not required to be completed.</p> <p><b>Declaration - Part B</b> must be completed by the candidate.</p> <p>The candidate must sign <b>Part A</b>, if applicable, and <b>Part B</b> of this document before a notary or other officer authorized to administer oaths.</p>

<p><b>Petition Requirements</b></p> <p>§ 24.2-545</p>	<p>Circulate on or after July 1, 2011;</p> <p>Must be on the form prescribed by the State Board of Elections (copy enclosed). It is suggested that the candidate or group complete the top portion of the petition form and then print or photocopy as many copies of the form as needed. The form <b>may not</b> be altered in any way.</p> <p>Must be signed by not less than 10,000 qualified voters in Virginia, including at least 400 qualified voters from each of Virginia's eleven congressional districts, who attest that they intend to participate in the primary of the same political party as the candidate named on the petition.</p> <p>Because many people who are not registered to vote will sign a petition, it is recommended that 15,000 - 20,000 signatures be obtained with at least 700 signatures from each congressional district.</p> <p>Must provide the true signature, the <b>printed</b> full name and the full resident address of each qualified voter and the date each signed the petition.</p> <p>Although the last four digits of the social security number is requested, it is not mandatory that it be provided.</p> <p>Must, on each page, provide an affidavit signed under oath by the person who circulated it that s/he personally witnessed the affixing of the signature of each voter on the page and that s/he is registered, or eligible to be registered, to vote in Virginia.</p> <p>Note that a circulator cannot witness his own signature. Falsely signing this affidavit is a felony under Virginia law.</p> <p>The petition <b>NEVER</b> can be left unattended.</p> <p>It is suggested that petition pages be filed in locality order (counties followed by cities) to facilitate the processing of the filing. The State Board recommends that each petition page contain signatures from only one county or city and, therefore, circulators should prepare a separate petition page for each locality. If signatures are tracked by congressional district you may enter the district number on each petition page.</p> <p>Petitions for a primary election must be delivered in <b>sealed containers</b>. These containers may be opened only by the State Chair of the candidate's party. Immediately after the filing deadline, the containers, together with any required attachments (see below), will be delivered to that Chair by the State Board of Elections.</p> <p>A statement, <b>signed by the candidate under oath</b>, setting forth his name and the number of signatures on the petitions in the sealed containers must be attached to the first container. See <b>Suggested Oath</b> on the next page.</p>
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<b>Petition Requirements (continued)</b>	<p>If the Party's delegates will be selected at the primary election, then a <b>list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention</b> if the candidate wins the primary, <b>also must be attached</b> to the first sealed container of the candidate's petitions. The slate of delegates and alternates must comply with the rules of the national and state party.</p> <p>If the Party's delegates will be selected using state and congressional district conventions, then <b>NO</b> list of delegates and alternate delegates is required.</p> <p>Must be filed with the State Board of Elections <b>no later than 5:00 p.m. on Thursday, December 22, 2011.</b></p>
<b>Suggested Oath</b>	<p style="text-align: center;"><b>STATEMENT OF PETITION SIGNATURES FOR PRESIDENT</b></p> <p>March 6, 2012 (enter Democratic or Republican) Presidential Primary</p> <p>I, (enter name), do hereby swear (or affirm) that the petitions I am filing as a presidential primary election candidate contain the following number of signatures:</p> <p style="text-align: center;">(enter number)</p> <p>which include at least 400 from each of Virginia's 11 congressional districts.</p> <p style="text-align: right;">(Signature of filer)</p> <p>Subscribed and sworn to before me this (enter date) day of (enter month), 2011.</p> <p style="text-align: right;">(Signature of Notary)</p> <p>My term expires: (enter date)</p>
<b>Reports of Receipts and Disbursements</b>	<p>The Federal Election Campaign Act imposes various rules and regulations on candidates and committees. This Act requires candidates and committees to register and disclose campaign receipts and expenditures and to abide by certain contribution limits and prohibitions.</p> <p>The Act further requires that an Authorization Notice appear on any public political advertising.</p> <p>These regulations are published by, and available from, the Federal Election Commission, 999 E Street NW, Washington DC 20463. You also may request this information by phone: 800-424-9530 or on the Internet at <a href="http://www.fec.gov">http://www.fec.gov</a></p>
<b>Who May Vote</b> §§ 24.2-530 and 24.2-544 D	<p>There is no voter registration by political party in Virginia. Any registered voter may vote in the presidential primary election. However, no voter shall vote for the candidate of more than one political party.</p>

WHEN A CONGRESSIONAL DISTRICT INCLUDES MORE THAN ONE COUNTY OR CITY, IT IS SUGGESTED THAT YOU USE A SEPARATE PETITION FORM FOR QUALIFIED VOTERS IN EACH COUNTY OR CITY. IT ALSO IS SUGGESTED THAT YOU FILE PETITIONS IN COUNTY/CITY ORDER TO FACILITATE THE PROCESSING OF THE FILING.

IF YOU TRACK THE NUMBER OF SIGNATURES BY CONGRESSIONAL DISTRICT, ENTER DISTRICT NUMBER: \_\_\_\_\_ [OPTIONAL]

## COMMONWEALTH OF VIRGINIA PETITION OF QUALIFIED VOTERS FOR PRESIDENTIAL PRIMARY

We, the qualified voters of \_\_\_\_\_ in the Commonwealth of Virginia signed  
below or on the reverse side of this page, do hereby petition that the name of \_\_\_\_\_, a person  
who is seeking the nomination for President of the United States of the (CHECK ONE)

☐ DEMOCRATIC PARTY OR ☐ REPUBLICAN PARTY


be placed on the ballot in the Presidential Primary Election to be held on March 6, 2012. We further attest that we intend to participate in the primary of the same political party as the above-named candidate.

Petitions may be filed either by the above-named candidate or his designated representative or by a group organized in Virginia on behalf of the above-named candidate. They must be filed with the State Board of Elections, 1100 Bank Street, 1<sup>st</sup> Floor, Richmond, VA 23219-3642 no later than **5:00 p.m. on Thursday, December 22, 2011** and must be accompanied by the consent/declaration form signed, under oath, by the candidate.

**CIRCULATOR:** MUST SWEAR OR AFFIRM IN THE AFFIDAVIT ON THE REVERSE SIDE OF THIS FORM THAT S/HE IS, OR IS ELIGIBLE TO BE, A REGISTERED AND QUALIFIED VOTER IN VIRGINIA AND THAT S/HE PERSONALLY WITNESSED EACH SIGNATURE.

**SIGNER:** YOUR SIGNATURE ON THIS PETITION MUST BE YOUR OWN, INDICATES YOUR INTENT TO PARTICIPATE IN THE PRIMARY OF THE SAME POLITICAL PARTY AS THE ABOVE-NAMED CANDIDATE BUT DOES NOT SIGNIFY AN INTENT TO VOTE FOR THE CANDIDATE. YOU MAY SIGN PETITIONS FOR MORE THAN ONE CANDIDATE.

OFFICE USE ONLY	SIGNATURE OF REGISTERED VOTER [PRINT NAME IN SPACE BELOW SIGNATURE]	POST OFFICE BOXES ARE NOT ACCEPTABLE RESIDENT ADDRESS House Number and Street Name or Rural Route and Box Number and City/Town	DATE SIGNED [Must be on or after July 1, 2011]	*SEE NOTE BELOW LAST 4 DIGITS OF SOCIAL SECURITY NUMBER [OPTIONAL]
1.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
2.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
3.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
4.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
5.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
6.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
7.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		



CONTINUE ADDITIONAL SIGNATURES AND COMPLETE AFFIDAVIT ON REVERSE SIDE.

**\*Privacy Notice:** The last four digits of the social security number is part of each voter's official record and is requested only to make it possible to check this petition more quickly and with greater accuracy. It is not mandatory that it be provided and you may sign the petition without doing so.

All signatures required by law need not be on the same page of the petition. Numerous pages may be circulated. The circulator of each page must be a person who either is, or who is eligible to be, a qualified voter of the Commonwealth of Virginia. The circulator also must swear or affirm in the affidavit that s/he personally witnessed the signature of each voter.

**CIRCULATOR:** MUST SWEAR OR AFFIRM IN THE AFFIDAVIT BELOW THAT S/HE IS, OR IS ELIGIBLE TO BE, A REGISTERED AND QUALIFIED VOTER IN VIRGINIA AND THAT S/HE PERSONALLY WITNESSED EACH SIGNATURE.

**SIGNER:** YOUR SIGNATURE ON THIS PETITION MUST BE YOUR OWN, INDICATES YOUR INTENT TO PARTICIPATE IN THE PRIMARY OF THE SAME POLITICAL PARTY AS THE ABOVE-NAMED CANDIDATE BUT DOES NOT SIGNIFY AN INTENT TO VOTE FOR THE CANDIDATE. YOU MAY SIGN PETITIONS FOR MORE THAN ONE CANDIDATE.

OFFICE USE ONLY ▼	SIGNATURE OF REGISTERED VOTER (PRINT NAME IN SPACE BELOW SIGNATURE)	POST OFFICE BOXES ARE NOT ACCEPTABLE RESIDENT ADDRESS House Number and Street Name or Rural Route and Box Number and City/Town	DATE SIGNED [Must be on or after July 1, 2011]	*SEE NOTE BELOW LAST 4 DIGITS OF SOCIAL SECURITY NUMBER [OPTIONAL]
8.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
9.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
10.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
11.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
12.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
13.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		
14.	SIGN	RESIDENCE		
	PRINT	CITY/TOWN		

Commonwealth of Virginia

**- AFFIDAVIT -**

I, \_\_\_\_\_, swear or affirm that (i) my resident address is \_\_\_\_\_; (ii) I am, \_\_\_\_\_; (iii) or I am eligible to be, a registered and qualified voter in Virginia in the County/City of \_\_\_\_\_; (iv) I personally witnessed the signature of each person who signed this page or its reverse side. I understand that falsely signing this affidavit is a felony punishable by a maximum fine up to \$2,500 and/or imprisonment up to ten years.

PLACE PHOTOGRAPHICALLY REPRODUCIBLE  
NOTARY SEAL/STAMP BELOW

SIGNATURE OF PERSON CIRCULATING THE PETITION

CIRCULATOR'S LAST 4  
DIGITS OF SOCIAL  
SECURITY NUMBER

State of \_\_\_\_\_ County/City of \_\_\_\_\_

The foregoing instrument was subscribed and sworn before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

PRINT NAME OF PERSON CIRCULATING THE PETITION

SIGNATURE OF NOTARY OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS NOTARY REGISTRATION NUMBER\*\* OATE NOTARY COMMISSION EXPIRES\*\*

**\*Privacy Notice:** The last four digits of the social security number is part of each voter's official record and is requested only to make it possible to check this petition more quickly and with greater accuracy. It is not mandatory that it be provided and you may sign the petition without doing so.

\*\* If not included in seal/stamp.

**FEC FORM 2**  
**STATEMENT OF CANDIDACY**

RECEIVED

2011 AUG 15 AM 9:59

1. (a) Name of Candidate (in full) <b>JAMES R. ("RICK") PERRY</b>		FEC MAIL CENTER	
(b) Address (number and street) <b>OFFICE OF THE GOVERNOR - STATE INSURANCE BLDG.</b>		2. Candidate's FEC Identification Number	
(c) City, State, and ZIP Code <b>1100 SAN JACINTO - AUSTIN, TEXAS 78701</b>		3. Is This Statement <input checked="" type="radio"/> New (N) OR Amended (A)	
4. Party Affiliation <b>REPUBLICAN</b>	5. Office Sought <b>PRESIDENT</b>	6. State & District of Candidate	

**DESIGNATION OF PRINCIPAL CAMPAIGN COMMITTEE**

7. I hereby designate the following named political committee as my Principal Campaign Committee for the 2012 election(s).  
(year of election)

NOTE: This designation should be filed with the appropriate office listed in the instructions.

(a) Name of Committee (in full) <b>RICK PERRY.ORG., INC.</b>
(b) Address (number and street) <b>P.O. Box 12726</b>
(c) City, State, and ZIP Code <b>AUSTIN, TEXAS 78711</b>

**DESIGNATION OF OTHER AUTHORIZED COMMITTEES**

(Including Joint Fundraising Representatives)

8. I hereby authorize the following named committee, which is NOT my principal campaign committee, to receive and expend funds on behalf of my candidacy.

NOTE: This designation should be filed with the principal campaign committee.

(a) Name of Committee (in full)
(b) Address (number and street)
(c) City, State, and ZIP Code

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Signature of Candidate <b>James R. "Rick" Perry</b>	Date <b>8/13/2011</b>
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to penalties of 2 U.S.C. §437g.


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FEC FORM 2 (REV. 02/2008)

EXHIBIT

D

Federal Election Commission  
**ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS**  
The FEC added this page to the end of this filing to indicate how it was received.

<input checked="checked" type="checkbox"/> Hand Delivered	Date of Receipt <b>8/15/11</b>
<input type="checkbox"/> USPS First Class Mail	Postmarked
<input type="checkbox"/> USPS Registered/Certified	Postmarked (R/C)
<input type="checkbox"/> USPS Priority Mail	Postmarked
Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/>	
<input type="checkbox"/> USPS Express Mail	Postmarked
<input type="checkbox"/> Postmark Illegible	
<input type="checkbox"/> No Postmark	
<input type="checkbox"/> Overnight Delivery Service (Specify):	Shipping Date
	Next Business Day Delivery <input type="checkbox"/>
<input type="checkbox"/> Received from House Records & Registration Office	Date of Receipt
<input type="checkbox"/> Received from Senate Public Records Office	Date of Receipt
<input type="checkbox"/> Received from Electronic Filing Office	Date of Receipt
<input type="checkbox"/> Other (Specify):	Date of Receipt or Postmarked
	<b>8/15/11</b> DATE PREPARED

PREPARER  
(3/2005)



# PRESIDENTIAL PRIMARY Tuesday, March 6, 2012

THIS DOCUMENT MUST BE SIGNED AND ACKNOWLEDGED BELOW BEFORE A NOTARY OR OTHER OFFICER AUTHORIZED TO TAKE ACKNOWLEDGMENTS. BOTH IT AND THE PETITIONS MUST BE RECEIVED BY THE STATE BOARD OF ELECTIONS NO LATER THAN 5:00 P.M. ON THURSDAY DECEMBER 22, 2011.

## A. CONSENT OF PRESIDENTIAL CANDIDATE

The group listed below has been organized in Virginia to circulate petitions on my behalf and with my consent.

NAME OF ORGANIZED GROUP <b>Morning in America</b>	MAILING ADDRESS OF CHAIR <b>2710 Thomas Avenue</b>
NAME OF CHAIR <b>Josh Cook</b>	CITY/STATE/ZIP <b>Cheyenne, WY 82001</b>

**Rick Perry**  
SIGNATURE OF PRESIDENTIAL CANDIDATE

## B. DECLARATION OF CANDIDACY

I, **James** **Richard** **Perry**  
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME SUFFIX, IF ONE

**1010 Colorado, Austin, Texas 78701**  
RESIDENT ADDRESS CITY/STATE/ZIP

hereby declare myself to be a candidate for the office of President of the United States in the Presidential Primary election of the political party indicated below to be held on Tuesday, March 6, 2012: (CHECK ONE SQUARE) ☐ Democratic ☒ Republican

I understand and agree that my name will appear on the presidential general election ballot only if I am nominated by the political party in whose presidential primary I am participating.

Given under my hand this **31<sup>st</sup>** day of **October**, 2011.

**Rick Perry**  
SIGNATURE OF CANDIDATE

**Rick Perry**  
\*PRINT YOUR NAME AS IT IS TO APPEAR ON THE BALLOT

**P.O. Box 1708**  
MAILING ADDRESS

**Austin** **Texas** **78767-1708**  
CITY/TOWN STATE ZIP

**(512) 851-0291**  
(AREA CODE) HEADQUARTERS TELEPHONE

E-MAIL ADDRESS: **waynehamilton@rickperry.org**

WEB ADDRESS: **www.rickperry.org**

State of **Texas**

**Travis**  
ENTER COUNTY, CITY, TOWNSHIP OR BOROUGH

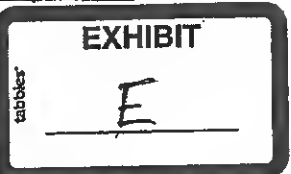
**Rick Perry**, personally appeared before me  
PRINT NAME OF PRESIDENTIAL CANDIDATE

on this **31<sup>st</sup>** day of **October**, 2011, signed the foregoing instrument and having been duly sworn by me, affirmed that the statements made herein are true.

**Betsy Schonhoff**  
SIGNATURE OF NOTARY OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS

My commission expires **May 29, 2013**

\* NAME ON BALLOT MUST NOT EXCEED 25 SPACES AND MAY NOT INCLUDE ANY TITLES.





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## Texas' Rick Perry Will Not Be on Virginia Primary Ballot

Published December 23, 2011 | Associated Press

Texas Gov. Rick Perry's name will not be on Virginia's March 6 Republican presidential primary ballot.

The Republican Party of Virginia said Friday that Perry's campaign had failed to gather the required 10,000 signatures of registered voters, the threshold to get on the primary ballot.

State GOP spokesman Garren Shipley says the party is also validating petitions that Newt Gingrich, Mitt Romney and Ron Paul submitted by the Thursday 5 p.m. deadline to the State Board of Elections. The process of validating the signatures began Friday morning.

The 10,000 registered voters must also include 400 signatures from each of Virginia's 11 congressional districts.

Print Close

**LET'S  
MAKE  
WHAT  
WE'VE  
GOT GO  
FURTHER.  
LET'S GO.**



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